



बिहार गजट

असाधारण अंक

बिहार सरकार द्वारा प्रकाशित

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सामान्य प्रशासन विभाग

संकल्प

22 नवम्बर 2011

विषय:—सेंटर फॉर गुड गवर्नेस सोसाइटी का गठन।

बिहार प्रशासनिक सुधार कार्यक्रम का एक प्रमुख कार्यबिन्दु सेंटर फॉर गुड गवर्नेस (सुशासन केन्द्र) की स्थापना है। तदनुसार सुशासन केन्द्र की स्थापना एवं उसे एक निबंधित सोसाइटी के रूप में गठित करने का निर्णय लिया गया है। सुशासन केन्द्र सोसाइटी सामान्य प्रशासन विभाग के अधीन कार्य करेगी।

2. सेंटर फॉर गुड गवर्नेस निबंधित सोसाइटी होगी। सरकार द्वारा अनुमोदित सेंटर फॉर गुड गवर्नेस सोसाइटी का बाई लॉज एवं **Memorandum of Association** संलग्न है।

3. सेंटर फॉर गुड गवर्नेस सोसाइटी के निम्नलिखित उद्देश्य होंगे :-

(क). प्रशासनिक सुधार/प्रशासनिक तंत्र की बिहार में मजबूती के निमित्त सतत परामर्श एवं बौद्धिक विकास हेतु राष्ट्रीय एवं अंतर्राष्ट्रीय स्तर के विशेषज्ञों की एक बौद्धिक विचारक संस्था की स्थापना।

(ख). नवनिर्माण को दृष्टिपथ में रखते हुए प्रशासन की सर्वोत्तम व्यवस्था, प्रशासन एवं सेवा प्रदान करने की व्यवस्था पर शोध एवं उपलब्ध ज्ञान का प्रबंधन।

(ग). मुख्य अधिनियम व्यवस्था एवं नीतिगत मामलों पर पुनर्विचार एवं इन्हें अद्यतन करने की निमित्त बिहार सरकार को नीति निर्धारण के स्तर पर समर्थन/सहायता प्रदान करना।

(घ). क्षेत्रवार एवं विभागवार विशिष्ट गहरे एवं धरातल आधारित शासन एवं कार्यकुशल तथा उत्तरदायी प्रशासनिक व्यवस्था जिसकी भावना गरीबों के विकास से आच्छादित हो, का बिहार में विकास करना।

(ङ). प्रशासनिक व्यवस्था एवं प्रशासन की सुदृढीकरण एवं नागरिक सेवा प्रदाता सेवाओं के विकास के उद्देश्य की पूर्ति हेतु महत्वपूर्ण योजनाओं के प्रारूपण, सूत्रण एवं क्रियान्वयन की दिशा निर्धारण एवं क्रियान्वयन के विभिन्न आत्मउपयोगी व्यवस्था का विकास।

(च). आवश्यकता आधारित पहचान के क्षेत्रों की प्रशासनिक व्यवस्था एवं प्रशासन के महत्वपूर्ण अवयवों का क्षमता विकास।

(छ). अद्यतन प्रगति का आसूचना संग्रह के साथ अनुश्रवण एवं मूल्यांकन।

(ज). भारत सरकार एवं राज्य सरकारों के विभागों तथा अन्य स्वायत्त संस्थाओं से परियोजनाओं आदि के लिये consultancy बाजार दर पर प्रदान करना।

4. प्रबंधन की संरचना :-**शासी परिषद् का गठन**

(क). सुशासन केन्द्र सोसाइटी के लिए नीति निर्धारण एवं नीतिगत मार्गदर्शन देने के लिए शासी परिषद् का गठन किया जाएगा जिसमें निम्नलिखित सदस्य होंगे :-

| | | |
|--|---|-----------------------------|
| मुख्य सचिव | — | अध्यक्ष |
| विकास आयुक्त | — | उपाध्यक्ष |
| महानिदेशक, बिपार्ड | — | सदस्य |
| प्रधान सचिव, वित्त विभाग | — | सदस्य |
| प्रधान सचिव, सामान्य प्रशासन विभाग | — | सदस्य |
| ख्यातिप्राप्त एकेडमीक इंस्टीच्यूट के अध्यक्ष | | |
| यथा भारतीय प्रबंधन संस्थान अथवा पटना | | |
| स्थित विशिष्ट शैक्षणिक संस्थान | — | सदस्य (सरकार द्वारा मनोनीत) |
| महानिदेशक, CGG | — | सदस्य सचिव |

(ख). शासी परिषद् सुशासन केन्द्र के दक्षतापूर्वक कार्य करने हेतु Memorandum of Association के धारा 4 एवं 7 में अंतर्निहित vision एवं उद्देश्य की पूर्ति हेतु नीतिगत मार्गदर्शन प्रदान करेगी।

(ग). इसकी बैठक वर्ष में एक बार निश्चित रूप से होगी।

(घ). यह प्रबंधन समिति द्वारा समर्पित वार्षिक प्रतिवेदन एवं वार्षिक अंकेक्षित लेखा तथा balance sheet पर विचार करेगी।

(च). परिषद् द्वारा यह भी सुनिश्चित किया जाएगा कि सुशासन केन्द्र राज्य सरकार के साथ किए गये MOU में अंतर्निहित प्रावधानों का अनुपालन करेगी।

प्रबंधन समिति का गठन

(क). सुशासन केन्द्र के कार्यों का सतत रूप से समीक्षा करने तथा procurement, recruitment, consultancy, research आदि क्षेत्रों में महत्वपूर्ण निर्णय लेने के लिए प्रबंधन समिति का गठन किया जायेगा। प्रबंधन समिति के सदस्य निम्न प्रकार होंगे :-

| | | |
|---------------------------|---|---------|
| महानिदेशक, सुशासन केन्द्र | — | अध्यक्ष |
| निदेशक, सुशासन | — | संयोजक |
| उप-निदेशक, वित्त | — | सदस्य |
| उप-निदेशक, कार्मिक | — | सदस्य |

(ख). सुशासन सोसाइटी के लिए पदों का सृजन राज्य सरकार द्वारा किया जाएगा एवं सृजित पदों के लिए वेतन/मानदेय का निर्धारण सामान्य प्रशासन विभाग की सहमति से किया जाएगा।

(ग). प्रबंधन समिति एवं उसके अध्यक्ष, महानिदेशक (सुशासन), निदेशक (सुशासन) अपने शक्तियों एवं दायित्वों का निर्वहन बॉय-लॉज में नीहित प्रावधानों के अनुसार करेंगे।

5. राज्य सरकार के शक्तियाँ :-

सुशासन केन्द्र के संदर्भ में राज्य सरकार की शक्तियाँ निम्नप्रकार होगी :-

(क). Memorandum of Association में नीहित किसी भी मदों को जोड़ने, परिवर्तन करने अथवा हटाने के संबंध में निदेश दे सकती हैं।

(ख). बॉय-लॉज के मद संख्या 12.12 एवं 12.13 के अधीन सौंपी गई सोसाइटी को नियुक्ति एवं सेवा समाप्ति से संबंधित शक्ति के लिए निदेश जारी कर सकती है। सुशासन केन्द्र सोसाइटी के संरचना का निर्धारण एवं पदों का सृजन साथ ही उन पदों के लिए वेतन के संबंध में निर्णय ले सकती हैं।

6. वित्तीय प्रबंधन :-

(क). सुशासन केन्द्र सोसाइटी का वित्तीय वर्ष 01 अप्रैल से अगले वर्ष के 31 मार्च तक होगा।

(ख). वित्तीय वर्ष 2011-12 के लिए प्रारंभिक निवेश एवं केन्द्र के संचालन में होने वाले व्यय का पूर्ण वहन बिहार प्रशासनिक सुधार मिशन सोसाइटी द्वारा किया जाएगा। आगे के वर्षों के लिए राज्य सरकार द्वारा प्रदत्त वित्तीय सहायता के संबंध में राज्य सरकार बिहार प्रशासनिक सुधार मिशन सोसाइटी से परामर्श कर निर्णय लेगी।

(ग). सामान्य रूप से इस सोसाइटी का वित्तीय स्रोत निम्नप्रकार होगा :-

(i). भारत सरकार /राज्य सरकार से आवर्तक एवं अनावर्तक मद में प्राप्त अनुदान।

(ii). निवेश से प्राप्त आय।

(iii). डी.एफ.आई.डी. एवं अन्य निधि से उपलब्ध कराने वाले बाह्य स्रोतों से प्राप्त अनुदान/ऋण।

(iv). भारत सरकार/राज्य सरकार के पूर्व अनुमोदनोपरांत विदेश सरकारों एवं संस्थाओं से प्राप्त अनुदान/ऋण/दान अथवा अन्य प्रकार की सहायता।

(v). भारत में किसी भी सरकारी संस्था से प्राप्त अनुदान/ऋण/दान अथवा अन्य प्रकार की सहायता ।

(vi). Projects/assignments से प्राप्त राजस्व ।

उपर्युक्त के अतिरिक्त सोसाइटी के पास एक विशेष निधि उपलब्ध होगा जिसमें :-

(क). वैसी राशि जिसके साथ यह शर्त निहित होगा कि उस राशि से प्राप्त होने वाले आय को सोसाइटी के उद्देश्य की पूर्ति हेतु व्यय किया जाएगा ।

(ख). वैसी अन्य राशि जो शासी परिषद् द्वारा सामान्य निधि से विचलित कर व्यय करने के लिए निदेशित कर सकती हैं ।

(ग). सोसाइटी के बैंक खाते का संचालन महानिदेशक एवं प्रबंध समिति द्वारा निदेशित किसी functional head के द्वारा किया जाएगा ।

आदेश:-आदेश दिया जाता है कि इस संकल्प को बिहार राजपत्र के असाधारण अंक में प्रकाशित किया जाय ।

बिहार-राज्यपाल के आदेश से,
अजय कुमार चौधरी,
सरकार के संयुक्त सचिव ।

Memorandum of Association **of** **Centre for Good Governance Society (CGG Society)**

1. Name of the Society

The name of the Society shall be "Centre for Good Governance Society" (hereinafter referred to as the "CGG Society"). The Government of Bihar (GoB) sponsors the society.

2. Location and Registered office of the Society

The CGG Society shall have its head office at Patna, Bihar and may establish one or more branches anywhere in the state; if required. The registered office of the society shall be located at Bihar Prashasanik Sudhar Mission, Sinchai Barrack No.1, Harding Road, Patna – 800001.

3. Area of Operation

The area of operation of the CGG Society will extend throughout the state of Bihar.

4. Vision

To provide high quality policy, managerial and capacity building support to Government of Bihar and its officials to identify, design and spearhead governance reform initiatives which are inclusive in nature.

5. Scope

The scope of CGG Society is to support on a continuing basis adoption of innovative mechanisms for governance & administrative reforms by providing

- (i) capacity for focused research in best practices & innovation
- (ii) identifying expertise for designing reform strategies
- (iii) providing support in implementation and monitoring of these strategies.

6. Strategy

The CGG will primarily have the mandate to undertake research, identify and provide required expert inputs to government departments and agencies to help them implement their reform agenda successfully.

In order to achieve these objectives the CGG will need to work closely with policy-makers like ministers, senior officials, management experts, institutions, civil society and other stakeholders. People centric rules such as citizen charters, scorecards, public information dissemination systems and more responsive public grievance redressal systems will feature across CGG's work

7. Objectives

The CGG Society shall have the following objectives:

- (i) Setting up a think tank with prominent national/ international experts for consistent advice and knowledge development on governance reform / strengthening in Bihar
- (ii) Knowledge management and research on best practices in governance, administration & service delivery with a focus on innovation
- (iii) Providing policy level support to the Government of Bihar in review of and updating key regulations & policies
- (iv) Developing sector/ Department specific strategies to deepen and broad-base governance & administration in Bihar, with focus on efficiency and accountability and the overarching objective of pro-poor development
- (v) Designing and implementing / facilitating implementation of key programmes/ initiatives aimed at strengthening governance, administration & improving citizen service delivery
- (vi) Capacity development of key stakeholders involved in governance/ administrative processes based on identified needs
- (vii) Keep track of progress (including monitoring & evaluation 'M&E' functions) at a programme as well as project / initiative level
- (viii) Undertake Consultancy of projects/ assignments from various departments of Central and State governments and other independent agencies at market rates.

8. Governing Council and management arrangements

There shall be a Governing Council which shall be the supreme policy making body of the CGG Society.

The Governing Council of the CGG Society, to whom the management is entrusted, shall consist of the following members:

| Sl. No. | Occupation | Designation |
|----------------|--|-----------------------------|
| 1. | Chief Secretary, GoB | Chairman |
| 2. | Development Commissioner, GoB | Vice Chairman |
| 3. | Director General (BIPARD) | Member |
| 4. | Finance Secretary | Member |
| 5. | Secretary – General Administration Department | Member |
| 6. | Faculty of prominent academic institutions like IIM(including prominent Patna based academic institutions) | Member |
| 7. | Director General & Head, CGG | Member Secretary & Convenor |

9. Founding members and formation of the CGG Society.

The undersigned members, associating themselves for the purpose described in this Memorandum of Association and desirous of forming themselves into a society are the founder members of the CGG Society. The members by designation and their successors shall be treated as founder members in their place.

We, the undersigned, whose names occupation and address as given below, do hereby subscribe our names to this Memorandum of Association and form ourselves into a society namely, the Centre for Good Governance Society, under the Bihar Societies Registration Act.1860. We are desirous to form the “Centre for Good Governance Society”.

| Sl. No. | Name and Occupation | Designation | Signature |
|---------|--|-----------------------------|-----------|
| 1. | Chief Secretary, GoB | Chairman | |
| 2. | Development Commissioner, GoB | Vice Chairman | |
| 3. | Director General (BIPARD) | Member | |
| 4. | Finance Secretary | Member | |
| 5. | Secretary – General Administration Department | Member | |
| 6. | Faculty of prominent academic institutions like IIM(including prominent Patna based academic institutions) | Member | |
| 7. | Director General & Head, CGG | Member Secretary & Convenor | |

Bye-Laws
of
Centre for Good Governance Society

1. Title

These Rules and Regulations shall be called the Bye-Laws of "Centre for Good Governance Society (CGG Society)".

2. Status of the CGG Society

The CGG Society shall be a juristic person, shall have perpetual succession & seal and can sue or be sued in its own name through its Member Secretary.

3. General Scope and Application

- 3.1 These byelaws shall extend to all the units and activities of CGG Society.
- 3.2 These bye laws shall come into force from the date on which the CGG Society is registered under the Societies Registration Act. 1860
- 3.3 The CGG Society shall function under overall administrative control of the GoB.
- 3.4 GoB shall have absolute & overriding power in respect of Appointment, change & removal of members as also in formation as also in formation of Committees and Sub-Committees under the Byelaws mentioned hereinafter.
- 3.5 The activities and accounts of the CGG Society shall always be open for verification by the State Government.
- 3.6 The State Government shall have the power to issue such directions/instructions as may be deemed necessary in proper functioning of the CGG Society.

4. Definitions

- 4.1 "Act" means the Societies Registration Act.1860
- 4.2 "CGG Society" means the Centre for Good Governance Society (CGGS) registered under the Societies Registration Act, 1860.
- 4.3 "Chairman" means the Chairman of the Governing Council of the CGG Society.
- 4.4 "Vice Chairman" means the Vice Chairman of the Governing Council of the CGG Society.

- 4.5 "Member Secretary" means the Member Secretary of the Governing Council, who shall also be the Director General of CGG Society.
- 4.6 "Director-Governance" means the Director-Governance of the CGG Society, who shall assist the Director General of CGG Society.
- 4.7 "Management Committee" means the Management Committee of the CGG Society constituted under these bye-laws.
- 4.8 "Convener-Management Committee" means the Convener of the Management Committee who shall be the Director-Governance of CGG.
- 4.9 "Project" means the CGG activities and any programme which may be assigned by the GOB to the CGG Society at State or District level.
- 4.10 Inspector General of Registration means the Inspector General Registration, Government of Bihar appointed under subsection (1) of section 3 of The Indian Registration Act 1908 with whose jurisdiction the CGG Society is registered as society. The term also means and includes any officer of the State Government authorized to exercise the powers of the IG Registration.
- 4.11 "State Government" or "GoB" means Government of Bihar.
- 4.12 "Functional heads" means head of various functional wings of the CGG
- 4.13 The "Annual Governing Council Meeting" and "Special Governing Council Meeting" mean such general meetings of the Society as are convened and held only under the bye-laws of the society.
- 4.14 The "Meeting" means all meetings other than the Annual and Special General Body Meetings of the society.
- 4.15 "Resolution" means a resolution of the society duly passed and adopted.
- 4.16 The "Seal" means seal of the society.

5. Membership

5.1 Membership of the CGG Society

The membership of the CGG Society consists of the following full members who have signed the Memorandum of Association of CGG Society. This membership shall be by virtue of post and shall devolve to their successors.

| Sl. No. | Occupation/ Designation |
|----------------|--|
| 1. | Chief Secretary, GoB |
| 2. | Development Commissioner, GoB |
| 3. | Director General (BIPARD) |
| 4. | Finance Secretary |
| 5. | Secretary – General Administration Department |
| 6. | Faculty of prominent academic institutions like IIM(including prominent Patna based academic institutions) |
| 7. | Director General & Head, CGG |

5.2 Memberships and Term

A person will be appointed or nominated as a member of the CGG Society by virtue of office held by him and his membership of the CGG Society shall terminate when he ceases to hold the office and vacancy so caused shall be filled by his successor to that office. The power to appoint new members shall rest with the General Administration Department, GoB.

The CGG Society shall function; notwithstanding that any person entitled to be member by reason of his office is not represented on the society for the time being. The proceedings of the CGG Society shall not be invalidated by the existence of any vacancy or any defects in the appointment of any of these members.

5.3 Termination of Membership

Membership of the CGG Society shall ipso facto terminate if a member

- (i) Dies, or permanently leaves India; or
- (ii) Tenders his resignation in writing to the CGG Society or GoB or achieves superannuation from his services; or
- (iii) Is declared insane by a competent authority; or
- (iv) Found guilty by any court; or
- (v) By specific orders of GoB; or
- (vi) Resolution of majority of members of the Management Committee.

5.4 Register of Members

The CGG Society shall, at all time, maintain and keep available for inspection by the I.G. Registration, a Register of Members at its registered office, which shall be the permanent record of the CGG Society and shall contain the names and addresses of the members, the date on which the member was admitted and the date on which member ceases to be member. Every member shall sign the Register.

5.5 Change of Address of the Member

If a member of the CGG Society changes his address, he shall notify his new address to the Member Secretary, who shall thereupon enter his new address in the roll of members. But if a member fails to notify his new address the address in the roll of members shall be deemed to be his address.

6. Governing Council

6.1 Member of the Governing Council

The Governing Council of the CGG Society shall consist of all members of the CGG Society as in section 5.1 and 5.2.

6.2 Meeting of the Governing Council

The CGG Society shall hold a Governing Council Meeting of all its members once a year within the three months from the end of the financial year and this meeting shall be called Annual Governing Council Meeting. Provided that for any reason if it is not practical to Convene the Annual Governing Council Meeting within the aforesaid period the Management Committee have powers to extend the date of such AGM for a further period not exceeding three months

6.3 Special Meeting of the Governing Council

In addition to the Annual Governing Council Meeting, a Special Governing Council meeting may be called at any time on the requisition of the Management Committee or one third of the total members of the Governing Council. The Special Governing Council Meeting shall be convened within fifteen days from the date of requisition.

6.4 Notice of Meetings, of the Governing Council

For every meeting of the Governing Council, a notice of not less than five clear days specifying the place, date, time and agenda for the, meeting shall be delivered personally or sent by post to the members of the society. An adjourned meeting can be called on the notice of at least three days. The notice must indicate the place date and hour thereof as well as the item of the agenda.

6.5 Quorum for the Meeting of the Governing Council.

The quorum for all Governing Council meeting of CGG Society shall be one third of the total strength of the members for the proceedings to be validly conducted. In case the quorum is not met, the meeting will stand adjourned and the Member Secretary must convene an 'adjourned meeting'. If in the adjourned meeting also, the quorum is not

present the members present shall constitute the quorum. The members present at such 'adjourned meeting' may transact the business for which the meeting was called.

6.6 Business of the Governing Council

Every meeting of the Governing Council shall be presided over by the Chairman or in his absence by the Vice-Chairman or in the absence of both, by one of the other members, elected by the members present from amongst themselves. Each member including the member presiding at the meeting of the Governing Council shall have one vote but the presiding member shall also have a casting vote in addition to his vote as member, in case of equality of votes. All the matters shall be decided by a majority of votes.

6.7 Minutes of the Governing Council Meeting

A copy of the minutes of the proceedings of each meeting shall be furnished to the Governing Council members as soon as possible after the completion of the meeting. The Chairman or the Member of the Governing Council who chairs the meeting, as the case may be, shall approve the proceedings of the meeting. Proceedings of every meeting shall be kept by the Member Secretary and shall be read out at its next meeting and confirmed by the members present.

6.8 Resolution of the Governing Council

Every resolution of the Governing Council shall be passed by a majority of members present and voting for the resolution to be valid. In case of expediency, the Member Secretary of the CGG Society may circulate a resolution for approval and such resolution shall be deemed to have been passed if a majority of the members approve it, provided that such resolution so passed by circulation shall be recorded in the proceedings of the next meeting of the Governing Council. A member can move a resolution at a meeting of the Governing Council only with the prior permission of the Chairman.

6.9 Function of the Governing Council

- (i) The Governing Council shall provide overall policy guidance and direction for the efficient functioning of the CGG Society in fulfilling its vision and objectives as laid down in Art. 4 and 7 of the Memorandum of Association.
- (ii) It shall meet at least once a year, the gap between any two meetings not exceeding fifteen months.
- (iii) It shall consider the Balance Sheet and annual audited accounts of the CGG Society presented by the Member Secretary along with the remarks thereon by the Management Committee.
- (iv) It shall consider the Annual Report presented by the Member Secretary along with the comments thereon by the Management Committee.
- (v) It shall ensure that the CGG Society adheres to the Memorandum of Understanding/ Agreements, if any, entered with the GoB from time to time.

6.10 Powers of the Governing Council

The Governing Council shall have powers to

- (i) Undertake all activities necessary for the fulfillment of the vision and objectives as laid down in Art 4 and 7 of the Memorandum and Articles of Association.
- (ii) Add modify or amend the Memorandum and Articles of Association and these bye-laws provided that all such additions, modifications or amendments shall be aimed at promoting the objectives of the CGG Society.
- (iii) Approve the Annual Report, Balance sheet and the annual audited accounts of the CGG Society.
- (iv) Approve the appointment of the auditors of the CGG Society.

- (v) Delegate to the Management Committee or the Member Secretary any of the above powers.

7. Management Committee

7.1 Members of the Management Committee

While the Governing Council would meet periodically (say once every quarter) to review the strategy and performance of the Centre, it is proposed that a Management Committee also be constituted for reviewing the performance on a more regular basis (say once every month) and taking key operational decisions in the areas of research, consultancy, recruitment, procurement etc. The Management Committee shall consist of the following members:

| Sl. No. | Occupation | Designation |
|----------------|--|--------------------|
| 1. | Director General & Head, CGG | Chairman |
| 2. | Director-Governance, CGG | Convenor |
| 3. | Deputy Director Finance | Member |
| 4. | Deputy Director Personnel & Administration | Member |

7.2 General Meeting of the Management Committee

The Management Committee shall meet as and when necessary with the permission of the Chairman, for the management of the affairs of the CGG Society, provided that the Management Committee shall meet at least once in three months.

7.3 Special Meeting of the Management Committee

In addition to the General meetings, a Special meeting may be called at any time with the permission of the Chairman. The Special meeting may be convened within five days from the date of requisition, provided further that the Chairman may, whenever deemed fit, direct the Member Secretary to call a Special Meeting.

7.4 Notice of Meeting of the Management Committee

For every meeting of the Management Committee, a notice of not less than seven working days specifying the place, date, time and agenda for the meeting shall be given to all members. If a Management Committee meeting is adjourned due to want of emergency the Chairman may reduce the above period of notice to such number of days as he deems fit in the circumstances of the case.

7.5 Quorum for the Meeting of the Management Committee

The quorum for a meeting of the Management Committee shall be not less than 3 members of the Management Committee for a proceeding to be validly conducted. In case the quorum is not met and the meeting is adjourned, the Convener must reconvene the adjourned meeting. The members present shall constitute the quorum for any adjourned meeting of the Management Committee.

7.6 Business of the Management Committee

Every meeting of the Management Committee shall be chaired by the Director General of CGG or in his absence by the Director-Governance. Each member, including the member presiding at the meeting of the Management Committee shall have one vote but the presiding member shall also have a casting vote in addition to his vote as member in case of equality of votes. All the matters shall be decided by a majority of votes.

7.7 Minutes of the meeting of the Management Committee

A copy of the Minutes of the proceedings of each meeting shall be furnished to the Management Committee members as soon as possible after the completion of the meeting. The Chairman or the member of the Management Committee who chairs the meeting, as the case may be, shall approve the proceedings of the meeting. Proceeding of

every meeting shall be properly kept by the Convener and shall be confirmed at its next meeting.

7.8 Resolution of the Management Committee

Every resolution of the Management Committee shall be passed by a majority of members present and voting for the resolution to be valid. In case of expediency, the Convener may circulate a resolution for approval and such resolution shall be deemed to have been passed if a majority of the members and the Chairman approves it. The resolution so passed by circulation shall be recorded in the proceeding of the next meeting of the Management Committee.

7.9 Term of the Management Committee

The term of the Management Committee shall be the term of the CGG Society. However, the Management Committee shall continue in office till the next Management Committee comes into existence for the next term by way of reconstitution by the Governing Council.

7.10 Co-opted members of the Management Committee

The Management Committee shall have the right to co-opt eminent persons/officials in the field of activities related to the objectives of the CGG Society. The Management Committee may co-opt a maximum of three members. The co-opted members shall have a right to participate in the meetings of the Management Committee but shall not have voting rights and they shall not constitute the quorum. The Chairman can also invite experienced officials and eminent persons for specific issues to the meetings of the Management Committee.

8. Functions and Powers of Management Committee

Subject to the provisions of the Memorandum of Association and the Rules, the Management Committee shall have the control and management of the business and affairs of the CGG Society and shall have all advisory, executive and financial powers to conduct the affairs of the CGG Society through its Chairman. All the duties, powers, functions and rights, whatever, consequential and incidental to the carrying on of the objectives of the CGG Society shall only be exercised or performed by the Management Committee.

In particular and without prejudice to the generality of the foregoing provision, the Management Committee will:

- (i) Consider the annual budget and the annual action plan, its subsequent alterations placed before it by the member Secretary from time to time and pass it with such modifications as the Management Committee may think fit.
- (ii) Accept donations and endowment or give grants upon such terms and conditions as it may think fit
- (iii) Delegate its powers, other than those of making rules, to the Chairman.
- (iv) Appoint committee, sub-committees, expert panels, task-force, working or study groups and Boards etc. for such purpose and on such terms as it may deem fit and to remove any of them.
- (v) Set Human Resource Policy including staff positions and salary and incentive structure of the CGG Society as created and approved by GoB.
- (vi) Appoint auditors for auditing the accounts of the CGG Society with the approval of the Governing Council.
- (vii) Ensure that the CGG Society considers any comments made by funding agencies on the progress in the implementation of the projects sponsored and funded by them.
- (viii) Monitor progress of CGG to ensure achievement of project objectives.

- (ix) Monitor the financial position of the CGG Society in order to ensure smooth income flow and to review annual audited accounts.
- (x) Shall have full financial and administrative powers to conduct the affairs of the society and shall have the right to delegate the same fully or partially as it may so deem fit.
- (xi) Approve the Procurement policy/ norms for the CGG Society.
- (xii) Do generally all such acts and things as may be necessary or incidental to carrying out the objectives of the CGG Society or any of them. Provided that nothing herein contained shall authorize the Management Committee to do any act or to pass any bye laws which may be repugnant to the provisions here of, to the powers hereby conferred on the Management Committee and other authorities, or which may be inconsistent with the objectives of the CGG Society.
- (xiii) Have power to delegate, all or any of, the powers and functions mentioned above, fully or partially, to members/officers within the Society deemed fit by it.

9. Chairman of the Management Committee:

The Director General & Head, CGG shall be the Chairman of the Management Committee of the CGG Society.

10. Powers and Duties of the Chairman of the Management Committee.

The Chairman shall have power to:

- (i) Call, or ask the Convener-Management Committee to call, a meeting of the Management Committee at any time and on the receipt of such requisition the Convener shall forthwith call such a meeting.
- (ii) Authorize acquisitions by gift, purchase, lease or otherwise, any property, movable or immovable, and to construct, operate and maintain any building for purpose of the CGG Society as deemed appropriate by the Management Committee.
- (iii) Authorize investment of the funds of the CGG Society in such securities and/ or to sell or transfer such investments in such a manner as the Management Committee may consider necessary, for the safety and benefit of the CGG Society and to convert or change such investments, as required by the Management Committee, subject to the laws applicable.
- (iv) Sanction and incur expenditure per instance as may be fixed by the Governing Council for achieving the objective of the CGG Society.
- (v) Tender & award contracts and incur expenditure on civil works and consultancy to achieve the objectives of the CGG Society up to the limit as may be fixed by the Management Committee. He may also delegate all or part of his powers in this respect to members / officers of the CGG Society as deemed fit by him by specific order.
- (vi) Act upon powers as may be delegated to Chairman by the CGG Society and the Management Committee.
- (vii) Carry out powers and functions of the Management Committee whenever the exigency so demands and place the action taken before the next meeting of the Management Committee for ratification.
- (viii) Shall have the right to delegate any of the powers vested in his office to the Convener-Management Committee or any other Member of the CGG Society deemed fit by him.

11. Director General, CGG

11.1 The Director General of the CGG shall be the Member Secretary of the Governing Council and Chairman of the Management Committee of the CGG Society. His appointment will be decided by the State Government.

12. Functions & Power of the Director General:

12.1 The Director General shall be the Chief Executive Officer of the CGG Society.

12.2 The Director General shall be responsible for the management of day-to-day affairs of the CGG Society. He shall have overall responsibility for planning and executing the work of the CGG Society. He shall be responsible for the implementation of all the policies laid down by the Governing Council/ Management Committee and shall attend to statutory requirements imposed on the functioning of the CGG Society.

12.3 The Management and control of the day-to-day administration and control of finance within sanctioned budgets of the CGG Society shall be vested with the Director General and through him with the respective functional heads. He/ She shall function as the controlling authority of all employees of the CGG Society.

12.4 The Director General shall sign or cause to be signed all documents and proceedings requiring authentication by the CGG Society. The Director General shall also represent or cause to be represented the CGG Society in business and legal transactions. He shall receive on behalf of the CGG Society and disburse all funds of the CGG Society based on instructions from the Management Committee. The Director General through functional heads will handle necessary documents including bank cheques and other negotiable instruments on behalf of the CGG Society, as authorized by the Governing Council of the CGG Society.

12.5 Director General shall appoint bankers of the CGG Society. All funds of the CGG Society shall be paid into the CGG Society's account with the said bankers.

12.6 The Director General, as Member Secretary of Governing Council, shall, in consultation with the Chairman, convene the meetings of the Governing Council at stipulated intervals or otherwise and shall maintain all minutes, records and registers of the CGG Society.

12.7 The Director General shall also perform such functions as may be delegated to him by the Chairman, Governing Council and/or Management Committee from time to time.

12.8 The Director General shall ensure handling of all correspondence on behalf of the CGG Society.

12.9 The Director General as the Member Secretary of the Governing Council and as Chairman of the Management Committee shall cause implementation of all the resolutions passed in the Governing Council and/or Management Committee of the CGG Society.

12.10 The Director General shall also perform such functions as may be delegated to him/her by the Chairman, Governing Council from time to time, and

- (i) shall cause to prepare for the CGG Society the Annual Reports and Financial Statements etc. with due audit.
- (ii) shall cause to maintain the accounts, cause due verification of the monthly transactions and the monthly receipt and expenditure statement, which shall be put up to Management Committee as required.
- (iii) shall cause the physical and financial usage of the funds disbursed by the CGG Society to the various participating organization and submit a quarterly report to the Management Committee and GoB.

- 12.11 The Director General will liaison with the State Government, the Government of India, Department for International Development, Government of United Kingdom (DFID) and other agencies for any matter pertaining to the operations of the CGG Society.
- 12.12 The Director General shall appoint staff for the Society and for the programmes implemented by the CGG Society based on the positions created and approved by GoB.
- 12.13 The Director General shall have powers to take disciplinary actions over any staff of the CGG Society as per the deputation rules/contract rules.
- 12.14 The Director General shall sanction and incur expenditure as decided by the governing body for day-to-day activities, or as delegated by the Management Committee.
- 12.15 The Director General shall tender & award contracts and incur expenditure up to a ceiling as may be decided by GoB, for civil works and consultancies, in line with the objectives of the CGG Society.
- 12.16 The Director General shall perform any of the functions assigned to him by the Governing Council during the interval between meetings of the Governing Council whenever it is urgent to do so and place a report in respect thereof, before the Governing Council for its consideration/ratification.
- 12.17 The Director General may delegate any of his powers to the Director-Governance, functional heads and staff of Society for efficient functioning of the CGG Society.

13. Functions & Power of the Director-Governance, CGG:

- 13.1 The Director-Governance of the CGG shall be the Convener of the Management Committee of the CGG Society. His appointment will be decided by the State Government.
- 13.2 The Director-Governance shall have the following powers:
 - (i) As Convener, the Director-Governance shall in consultation with the Chairman convene all the meetings of the Management Committee
 - (ii) He/ She shall also maintain minutes and records of the Management Committee meetings
 - (iii) The Director-Governance shall perform all tasks as delegated to him by the Director-General

14. Functions of the Society

- 14.1 Take all such actions and to enter into all such actions as may appear necessary or incidental for the implementation, of the project and in particular for the achievement of the vision and objectives referred in 4 and 7 above.
- 14.2 Formulate guidelines for implementation of the various programs of the CGG Society.
- 14.3 Act as Guardian of Rules and "non-negotiable principles" of the Centre for Good Governance Society (CGG Society), and enforce the rules and guidelines for the implementation of its projects.
- 14.4 Cause creation and development of District Level Societies/ District Units, including coordinating and guiding their functioning.
- 14.5 Accept or provide any grant of money, loan, securities or property of any kind and to undertake and accept the management of any endowment trust, fund or donation not inconsistent with the objectives of the CGG Society.
- 14.6 Purchase, hire, take on lease, exchange or otherwise acquire property, movables or immovable and construct, alter and maintain any building or building as may be necessary for carrying out the objectives of the CGG Society.

- 14.7 Open a bank account, along with the signatories to the account.
- 14.8 Receive funds from the State Government or other sources through budget releases and release money to the District Societies/ District Units based on their requirement and utilization of funds previously released.
- 14.9 Incur expenditure after drawing up a budget and with due regard for economy and propriety.
- 14.10 Make rules and regulation for the conduct of the affairs of the CGG Society and add or amend, vary or rescind them from as and when required.
- 14.11 Establish its own organization structure offices and employ, retain or dismiss personnel as required, decide salary benefit structure for the CGG Society.
- 14.12 Accept, make, enclose or otherwise execute cheques, drafts, receipts, bills of exchange or other instruments and securities as required for the conduct of the business of the CGG Society.
- 14.13 Enter into contracts without a requirement for government approval, other than by government representatives on the Management Committee and undertake any legal action that may be necessary to ensure the fulfillment of contracts made between the CGG Society and others.
- 14.14 Exercise overall responsibility for management of CGG on behalf of the Government of Bihar within the framework of project guidelines.

15. Management of the CGG Society

The Management of the affairs of the CGG Society shall be vested with the Management Committee as enshrined in the Bye laws framed for the purpose.

16. Authority to Correspond

The Director General and Director-Governance of the CGG Society shall be the authorities to correspond on behalf of the CGG Society. .

17. Power of the State Government

GoB shall have the power to issue any direction as it deems fit to:—

- 17.1 Alter, add or delete any item of the Memorandum of Association
- 17.2 Terminate and/or make: an appointment in place of any member of the Society mentioned under item 12.12 and 12.13 of the bye-laws
- 17.3 Determine the structure of CGG Society and create staff positions including salary and incentive structure of the CGG.

The exercise of this power by GoB hereunder shall be final.

18. Funds

The financial year of the CGG Society will be from first day of April to the 31st day of March of the succeeding year.

For the financial year 2011-12, initial investment and operating cost of CGG shall be borne entirely by Bihar Prashasanik Sudhar Mission (BPSM) Society. For subsequent years, GoB's financial support to the CGG society shall be as decided by the GoB in consultation with BPSM society.

18.1 The sources of funds of the CGG Society shall consist of the following

- (i) Recurring and non-recurring grants made by GoB and / or the Government of India for the furtherance of the objectives of the CGG Society;
- (ii) Income from investments;
- (iii) Grants/ Loan from Department for International Development and other external funding agencies, other sources through permitted channels.
- (iv) Grants, loan Donation or assistance of any kind from foreign Governments and other agencies with prior approval of the Central/State Government; and

- (v) Grants, loans, donation or assistance of any kind from any Government agency or others in India.
 - (vi) Revenue from funded projects/ assignments including: (a) assignments from GoB Departments on cost plus basis and (b) other assignments at market rates
- 18.2 There shall also be a 'Special fund', which would consist of:
- (i) Such amounts as are received with a specific condition that income thereof alone shall be used for the purpose of the CGG Society (with the Corpus being left intact);
 - (ii) Such other amounts as the Governing Council may decide to divert from the regular fund to be used in the manner specified in clause (i) above.

18.3 Operation of the Funds and Account:

The bank account of the CGG Society shall be operated by the Director General and one functional head as decided by the Management Committee.

19. Audit

The Audit year of the CGG Society shall begin on the first day of April and end on the 31st day of March next year.

The CGG Society shall maintain proper accounts and other relevant records as well as documents comprising the receipt-and payment accounts, statement of assets and liabilities and balance sheet.

The accounts of the CGG Society shall be audited by a Chartered Accountant, to be appointed by the Management Committee of the CGG Society. The nature of the audit to be applied and the detail arrangement to be made in regard to the account and their maintenance and the presentation of the accounts for audit shall be as per project guidelines. The Auditor shall also submit a report showing the exact state of financial affairs of the CGG Society. The copies of the balance sheet and the auditor's report shall be certified by the auditor, and filed with the concerned Government Agencies.

The CGG Society shall ensure that the accounts of the District units, if any, are duly audited and the audit report is to be placed before the Management Committee.

The Accounts will be open to audit by the Accountant General, Bihar and / or GoB.

20. Annual Report.

The Director General shall prepare an annual report of the proceeding of the Management Committee and all work undertaken during the year. This report and the duly Audited Annual Accounts of the CGG Society shall be placed for approval before the Management Committee.

The Annual Report and Annual Accounts as approved by the Management Committee shall be placed before the Annual Governing Council meeting of the Governing Council, before the 31st July of year .A copy of the annual Report and Annual Accounts as approved by the Governing Council may be forwarded to the Government Within 30 days and shall be filed with the Registrar of Societies, Bihar, along with.

20.1 a list of names, address and occupation of the office bearers of the CGG Society, certified by the Director General; and

20.2 a copy of the balance sheet and the auditor's report certified by the auditor.

The Annual Reports of all the District Units, if any, shall be placed before the Management Committee of the CGG Society.

21. Properties of the Agencies

21.1 All properties of the CGG Society shall belong to the CGG Society itself. The CGG Society may acquire purchase or otherwise own, take on lease or hire movable or immovable properties and sell, mortgage, transfer or otherwise dispose off any such "movable or immovable properties in furtherance of the objectives of CGG

- Society. In the event of the CGG Society being dissolved, all its assets (both movable and immovable) will be disposed of as per the decision of the Management Committee.
- 21.2 The income and the property of the CGG Society shall be utilized only towards the promotion of the objectives as set forth in the Memorandum of Association of the CGG Society. It will be subject to terms and conditions as the Management Committee may impose in respect of expenditure to be incurred from grants sanctioned to the CGG Society from time to time.
- 21.3 No portion of the income or the property of the CGG Society shall be paid or transferred directly or indirectly by way or profits to persons, who may at any time be or have been members of the CGG Society.
- 21.4 No member of the CGG Society shall have any personal claim on any movable or immovable property of the CGG Society or make any profit whatsoever by virtue of his membership.
- 21.5 Provided that nothing herein contained shall prevent payments in good faith of remuneration, allowances or honorarium in return for any service rendered by them to the CGG Society.

22. Suits and Proceedings

- 22.1 The CGG Society may sue or be sued in the name of the CGG Society through its Member Secretary.
- 22.2 No suit or proceeding shall abate by reason of any vacancy or change in the holder of the office of the Chairman, the Member Secretary or any office bearers authorized in this behalf.
- 22.3 Every decree or order against the CGG Society in any suit or proceeding shall be executable against the property of the CGG Society and not against the person or the property of any member or any office bearer or Member of CGG Society.
- 22.4 Any person, including a member of the CGG Society, who damages, injures or destroys any property of the CGG Society or otherwise acts in a manner resulting in pecuniary loss to the CGG Society can be sued by the CGG Society. The fact that such person may be a member of the CGG Society shall not in any manner prevent the CGG Society from proceeding against him in a court of law.

23. Validation of Acts.

No action taken by the CGG Society shall be rendered invalid or void only due to the reasons that:

- 23.1 There existed one or more vacancies in the Governing Council/Management Committee on the day on which the resolution was passed; or
- 23.2 There was a defect in the appointment of any of its members; or
- 23.3 The resolution in pursuance of which the said act was done has subsequently been modified or revoked by the Governing Council/Management Committee.
- 23.4 The authority entitled to make such appointment shall fill a vacancy in the Governing Council or in the Management Committee of the Society.

24. Alterations to the Memorandum of Association of the CGG Society

The CGG Society may alter the Memorandum of Association or extend the purpose for which it is established, as per the provisions of the Societies Registration Act, 1860 and on the fulfillment of the following conditions:

- 24.1 Management Committee obtains the permission of the Government of Bihar for the proposal for such alteration or extension as aforesaid
- 24.2 Management Committee furnished the proposal for such alteration or extension as aforesaid to the members of the CGG Society in a written or printed form.

- 24.3 Management Committee convenes a Governing Council Meeting or Special Governing Council Meeting of the members of the CGG Society according to these Rules for the consideration of the said proposition;
- 24.4 The report is delivered or sent by post to every member of the CGG Society delivered in person at such Governing Council Meeting or Special Governing Council Meeting as aforesaid;
- 24.5 The proposal is agreed to by half of the members of the CGG Society present and voting at such Governing Council Meeting or Special Governing Council meeting as aforesaid; and
- 24.6 A copy of the resolution of the Governing Council Meeting or Special Governing Council Meeting adopting the alteration is filed with the Registrar within the period prescribed under the law.

25. Modification of the Bye Laws:-

After obtaining the permission of the Government of Bihar and subject to the provision to the Society Registration Act, 1860, the CGG Society may amend, add to, alter or delete any of these Bye- laws by a resolution passed at the Special Meeting of the Governing Council duly convened for the purpose. The modified by laws shall be deemed to have come into force in accordance with the provision of the said Act.

26. Contracts.

- 26.1 All contracts and other instrument for and on behalf of the CGG Society shall, subject to the provisions of the Act, be expressed to be made in the name of the CGG Society and shall be executed by the persons authorized by the Management Committee,
- 26.2 No contract for the sale, purchase or supply of any goods or materials shall be made for and on behalf of the CGG Society with any member of the CGG Society or the Management Committee, or his/her relative, or firms in which such member is a partner/shareholder, or with any other partner or shareholder of a firm or a private company in which the member is a partner or Director.
- 26.3 All contracts shall be fielded, finalized and entered upon in accordance with the guidelines of the CGG Society and specific directions of GoB.

27. Common Seal

The CGG Society shall have a common seal of such make and design as the Management Committee may approve.

28. Notice

Notice may be served upon any member of the CGG Society either personally or by post to the address of such member at the address mentioned in the register of members. Any notice so, served by post shall be deemed to have served on the day following that on which the letter, envelop or wrapper containing the same is posted and in providing such service, it shall be sufficient to prove that cover containing such notice was properly addressed and delivered to the post office.

29. Records of the CGG Society

The CGG Society shall keep in its registered office proper books of accounts, in which should be entered accurately.

- 29.1 All sum of money received and the source thereof, all sums of money expended by the CGG Society and the object or purpose for which such sums are expended.
- 29.2 The assets and liabilities of the CGG Society.
- 29.3 The records maintained by the CGG Society will be as follows:
- (i) Member register;
 - (ii) Proceedings Register of the Governing Council;

- (iii) Proceedings Register of the Management Committee.
- (iv) Cash Book, Bank Book and General Ledger;
- (v) Records of the Employees of the CGG Society
- (vi) Records of the Accounts and Claims
- (vii) Stock Register;

29.4 All such other records required for proper and systematic running of the CGG Society.

30. Filling up staff positions for CGG Society

The positions of CGG Society as determined by GoB will be by way of contractual resources or by officers on deputation from the government.

31. Dissolution of the CGG Society

Subject to the provisions of the Act, the CGG Society may be dissolved by a resolution passed at a Special Meeting of the Governing Council of the CGG Society duly convened for the purpose and supported by at least two-third of the total members of the CGG Society. The Governing Council shall prescribe procedure for such dissolution by such, resolution. The Governing Council may on such resolution decide to take action for liquidation of assets and liabilities of the CGG Society. They shall or can be given over to organizations with similar aims and objectives as that of the CGG Society, strictly in accordance with the provisions of Act, or surrendered to the GoB. In either case, the decision of GoB shall be final.

Nothing contained in the Bye-Laws and notwithstanding the provisions of the laws applicable, there would be no attempt to import-expressed or implied, anything repugnant or contrary to the intentions of this CGG Society as expressed in the Memorandum of Association.

Chairman

Member Secretary

For I.G. Registration, Bihar, Patna.

बिहार-राज्यपाल के आदेश से,
अजय कुमार चौधरी,
सरकार के संयुक्त सचिव ।

अधीक्षक, सचिवालय मुद्रणालय,
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